

California Architects

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The Profession Moves into a New Millennium

By Joseph P. Giattina, Jr., President, NCARB

The coming year promises to be a busy one, for NCARB and the profession as a whole. After several difficult years spent getting our finances in order and seeing improvement in the number of examination takers, NCARB can now refocus its energy on other issues. We will try to determine how results of the Internship Summit might be implemented, seek ways to improve the Internship Development Program (IDP), continue to work on various international initiatives, and promote uniformity in continuing education requirements that affect licensure. All will have an impact on the profession.

Internship and the Internship Summit

Peter Steffian, NCARB's first vice president, chairs the Internship Implementation Task Force. That group has already met and outlined tasks for NCARB's Committee on Education and Committee on Internship Development — chaired by California's Ed Oremen — to study and implement the implementable recommendations of the Internship Summit.

On a related note, and recognizing that progress has been made in recent years, California has yet to adopt the NCARB model for internship training. In May of this year, Marc Sandstrom, president of the California Board of Architectural Examiners (CBAE), wrote NCARB pointing out what CBAE saw as the two major issues preventing adoption of IDP in California. The first CBAE recommendation was that training credit be granted for experience within any of the IDP required training areas as long as it is received under the direct supervision of a registered architect regardless of the setting.

The second CBAE recommendation was to eliminate the current duration requirement which allows interns to receive training credits only if they work (1) at least 35 hours per week for at least 10 consecutive weeks, or (2) for half credit, at least 20 hours per week for six or more consecutive weeks. CBAE also recommends considering some competency assessment for IDP, a point I support although I have not yet seen a practical way to monitor those activities. To that end, Steve



Joseph P. Giattina, Jr. of Birmingham, AL, assumed the leadership as president of the National Council of Architectural Registration Boards (NCARB) at the organization's 80th Annual Meeting and Conference held in June in Charleston, SC. Having been elected first vice president and president-elect a year ago, Giattina succeeds Susan May Allen of Morgantown, IN. Giattina is the president and treasurer of Giattina Fisher Aycock Architects, Inc.

Members of the 1999-00 NCARB board of directors are:

Joseph P. Giattina, Jr., FAIA, president, Birmingham, AL

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C. William Bevins, AIA, second vice president, Charleston, WV

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Pamela J. Hill, AIA, director, Region 5, Bozeman, MT

Dennis B. Patten, AIA, director, Region 6, St. George, UT

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New Millennium *continued*

Castellanos, who heads the American Institute of Architects (AIA) Licensing Task Force and currently serves on the AIA Board of Directors, is exploring a pilot program based on that principle. Between the work that Oremen and Castellanos are doing, I am optimistic that we will overcome California's concerns and California will be able to participate more fully in NCARB's IDP.

International Advances

Because the advent of the electronic age has increased the need for and ability of architects to work globally, NCARB will continue to strengthen the existing positive relationship with Canada and take steps to forge other international alliances. During this year's annual meeting the member boards overwhelmingly approved a cooperation agreement with China that embodies principles already accepted by Canada, and which is part of a long-term plan to allow the reciprocal practice of architecture between China and the U.S., as now exists between Canada and the U.S. While a similar proposal was made to Mexico, the Mexicans rejected it for a variety of reasons, and we will continue our discussions with our colleagues to the south. NCARB also has a cooperation agreement with the Japan Architectural Education and Information Center, and NCARB representatives will meet with them in the near future to study how the objectives of that agreement may be furthered.

Continuing Education

Thirteen states now require continuing education for licensure, and the number is growing. Despite NCARB's effort to bring uniformity to those requirements, we have not been entirely successful. If each state frames its own requirements, architects practicing in more than one jurisdiction may encounter conflicts that are costly and time consuming. Now is the time to create uniformity that eases the burden, while maintaining the benefits of continuing education.

As you can see, the issues before NCARB are both timely and important. Your suggestions and help are welcome as we move together into the next century.

Board Member Frank Williams Honored



Frank Williams, a member of the Board, was recently awarded the "Gary Komarow Memorial Executive Officer

Award" by the Building Industry Association's Southern California chapter. Williams serves as executive officer of the Baldy View Chapter and was singled out as the best executive officer in the nation. His contributions include leadership of the innovative Housing Action Resource Trust (HART) program. In addition to William's award, the Baldy View Chapter was recognized with several Association Excellence Awards for outstanding local programs.

Important:



New Renewal Notice Question Must Be Answered

In 1997, a law went into effect that requires the architect license renewal notice to contain a statement by the licensee about whether he or she was convicted of a crime or disciplined by another public agency during the preceding renewal period. The law also requires a statement that the representations in the renewal notice are true, correct, and contain no material omissions of fact, to the best knowledge of the licensee.

Based on that law, the reverse side of the renewal notice was modified to include the required statements for licensees to complete. Licensees must complete the statement, sign and date it, and return it with the renewal fee. Convictions dismissed under Penal Code section 1203.4 must be disclosed; however, traffic infractions with an imposed fine of \$300 or less may be omitted. Failure to comply with this requirement will result in nonrenewal of an architect license.

Also, please make sure your Social Security Number (SSN) is listed correctly on the renewal notice. If your SSN is not on the notice, you must enter it. See the disclosure printed on your notice for details. Your license will not be renewed if this information is not provided.

NCARB Ratifies Historic Bilateral Agreement with China

Delegates representing NCARB's 55 member boards

voted recently to ratify a two-phase cooperation agreement that sets in motion a step-by-step process for accomplishing the mutual recognition of architects between the U.S. and the People's Republic of China. The historic action was taken at the Council's 80th Annual Meeting and Conference in Charleston, South Carolina.

The new agreement builds upon a substantial record of cooperation that has been realized during the 1990s by NCARB and its Chinese counterpart, the National Administration Board of Architectural Registration (NABAR). Most notably, NCARB, by invitation, has served as a professional resource to NABAR as they have developed an examination patterned essentially on NCARB's Architect Registration Examination (ARE). Chinese candidates for registration have been taking this examination since 1994.

The First Step Toward Reciprocity

The cooperation agreement is designed to accomplish two objectives — one of them less than a year away, and the other still some distance off. The short-range objective will be reached on July 1, 2000, when a "bilateral accord" between NCARB and China comes into full force. This accord has been devised as an interim measure that enables a "foreign architect," whether U.S. or Chinese, to practice architecture under specified

conditions and "in affiliation with a local architect." It allows for the likelihood that the new agreement's long-range objective — "to achieve a mutual recognition agreement that will regulate the practice of architecture between the United States and the People's Republic of China" — could take several years. This possibility is well understood by both parties. Commenting on the agreement, Zhang Qinnan, NABAR's vice president, said, "It is most important for our future generations."

Before satisfying the requirements of the Mutual Recognition Agreement, both NCARB and NABAR have a great deal of work to do. By the terms of the recently ratified cooperation agreement, each must analyze the other's education, training, and examination systems to determine if, "for the purpose of mutual recognition, those systems can be accepted as equivalent." If a system is found "deficient," that deficiency will have to be corrected. Both parties recognize that such corrections could be time-consuming, if not daunting. But after years of cooperation, they find "much commonality in {their} structure, which makes it feasible to seek mutual recognition."

English Established as ARE Language

Fortunately, one of the potentially most difficult issues was resolved at a leadership meeting last April in Beijing, when NABAR agreed that all transactions, including the NCARB Architect Registration Examination,

are to be in English. The agreement's language relating to the ARE is as follows:

"... NABAR shall accept the ARE given in English as fulfilling all Chinese requirements for architectural examination and as appropriate for registration and the practice of architecture in China and agree that any Chinese candidate seeking NCARB certification must demonstrate that he or she satisfies the NCARB examination standard."

The language question was actually addressed by NCARB nearly a year ago, when the first draft of a cooperation agreement was written as a "generic" agreement. As one of its authors, NCARB's President Joseph P. Giattina, Jr., FAIA, has explained, "This agreement was founded on the premise that the council's 55 member boards and 10 Canadian provinces have accepted standards for the education, training, and examination of an entry-level architect. If another country accepts those standards, we have the basis for mutual recognition. We felt that the English-language requirement was both necessary and realistic: necessary if our member boards were to support it, and realistic because English is increasingly the language of globalization."

China happens to be the first country to join NCARB in ratifying the cooperation agreement. Since it

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China *continued*

is also the world's most populous, NCARB's expectation and hope is that other countries will follow the lead of NABAR.

Interesting Facts about Architecture in China

- 1 There are 5,000 certified architects in China.
- 2 The demand for graduate architects is greater than the number who are currently receiving degrees.
- 3 A five-year accredited degree (BArch) is required to sit for the "Architect Class 1" examination. This exam is patterned after the ARE and is given once a year, in paper and pencil, in 30 provinces, "autonomous regions," and "direct municipalities" on the same four days and at the same time (there are no time zones in China).
- 4 A Class 1 architect must complete three years of training in an architectural institute or firm prior to sitting for the exam. Called "Architectural Design Practice Training," this program is patterned after the U.S.'s Intern Development Program.
- 5 The passing of the exam establishes registration; however, certification to practice is granted only if the individual is working in a "certified institute," which is usually connected to, or associated with, a university or government entity.
- 6 As of January 1998, there were 20 private architectural firms practicing in China.
- 7 Eighty hours of continuing education is required every two years to renew certification.
- 8 Most major work is acquired through competition, very often in association with a foreign firm.

Survey Reveals Number of Architects in the U.S.

A survey by the National Council of Architectural Registration Boards (NCARB) reveals that there are almost 97,000 architects registered in the United States. Because architects are often registered in more than one state, NCARB is not able to use its registration records to determine the number of architects. It has long been estimated, however, that there are about 100,000 architects in the U.S. This year NCARB surveyed its 55 member boards to attempt to verify that estimate. Results indicate that a total of 96,966 architects are living in the 55 reporting jurisdictions, which include all 50 states, the District of Columbia, Puerto Rico, Virgin Islands, Northern Mariana Islands, and Guam.

The survey also reveals a total of 105,466 out-of-state registrants and 202,432 total registrations in the United States. This means that, on average, an architect is registered in two jurisdictions. California has the highest number of resident architects (16,415) and the highest number of total registrations (20,891). Survey results are listed below. NCARB is planning to update these numbers annually.

Architect Registrations by Jurisdiction

JURISDICTION	RESIDENT	OUT-OF-STATE	TOTAL	JURISDICTION	RESIDENT	OUT-OF-STATE	TOTAL
Alabama	718	979	1697	Nebraska	546	944	1490
Alaska	300	204	504	Nevada	446	1928	2374
Arizona	1975	3300	5275	New Hampshire	252	764	1016
Arkansas	484	778	1262	New Jersey	2400	4600	7000
California	16415	4476	20891	New Mexico	725	1291	2016
Colorado	2603	3135	5738	New York	8000	5000	13000
Connecticut	1391	7879	9270	North Carolina	1860	2626	4486
Delaware	120	1009	1129	North Dakota	125	375	500
D.C.	546	2632	3178	N. Mariana Isl.	7	48	55
Florida	4477	3526	8003	Ohio	3521	2881	6402
Georgia	2232	2665	4897	Oklahoma	749	1240	1989
Guam	46	94	140	Oregon	1399	1150	2549
Hawaii	977	814	1791	Pennsylvania	3595	3536	7131
Idaho	490	1312	1802	Puerto Rico	488	465	953
Illinois	5475	3686	9161	Rhode Island	257	1011	1268
Indiana	1095	3248	4343	South Carolina	950	2038	2988
Iowa	419	1018	1437	South Dakota	111	559	670
Kansas	980	1496	2476	Tennessee	1600	1590	3190
Kentucky	701	1757	2458	Texas	6825	3187	10012
Louisiana	1123	1509	2632	Utah	837	800	1637
Maine	327	796	1123	Vermont	294	524	818
Maryland	1658	2826	4484	Virgin Islands	89	40	129
Mass.	3290	2698	5988	Virginia	2306	3121	5427
Michigan	2472	2378	4850	Washington	3290	1627	4917
Minnesota	1762	1445	3207	West Virginia	130	920	1050
Mississippi	271	973	1244	Wisconsin	1502	2815	4317
Missouri	1854	2374	4228	Wyoming	112	724	836
Montana	349	655	1004	U.S. TOTAL	96,966	105,466	202,432

NCARB Votes to Retain Certification Opportunity for Architects without NAAB Degree

At the NCARB Annual Meeting and Conference in Charleston, South Carolina, June 23-27, member boards voted to lift the sunset provision on the Broadly Experienced Architect (BEA) alternative for satisfying the NCARB education standard.

This means that this program will not end on July 1, 2000, and architects who do not hold a degree that is accredited by the National Architectural Accrediting Board (NAAB) may take advantage of the BEA avenue to NCARB certification indefinitely. To participate in the BEA, you must have been registered as an architect for at least ten years, and you must also have practiced as a principal or been in responsible charge of the practice of architecture in the jurisdiction where you are registered for ten or more years.

Once these qualifications have been verified, you will be asked to obtain an evaluation of your formal education from the Education Evaluation Services for Architects (EESA). This evaluation identifies the NCARB education requirements that have not been met. Following the evaluation, you will be asked to prepare a dossier illustrating how your experience has compensated for formal education. Finally, you will be invited to meet with a panel of three of your peers to discuss your dossier and your experience. The panel will make a holistic assessment of the dossier and the discussion. A favorable consensus will mean that

you have met the *NCARB Education Standard* and are eligible for the certification.

For further details on procedures and requirements for the BEA, please see pages 3-4 of the *NCARB Education Standard*, which is available on the NCARB website (www.ncarb.org) or through the council offices at (202) 783-6500.

Digital Signatures for Design Professionals, a National First

CBAE has been collaborating

with Joint Venture: Silicon Valley Network (JV:SVN), Digital Signature Trust, Inc. (DST), and the AIA to support the groundbreaking Smart Permit initiative in Silicon Valley with the first digital signatures for architects, engineers, and landscape architects. This technology will allow design professionals to "digitally sign" documents and send them securely over the Internet, replacing the traditional process of "wet stamp and signature" on paper drawings.

"This is a real win-win for everybody," says Zane Paxton, AIA, the architect and JV:SVN steering committee member who has spearheaded this project, "It's faster, more secure, and environmentally responsible."



"It will allow immediate verification of licensure over the Internet for building officials and others," says Stephen Sands, Executive Officer of CBAE.

"It's important to understand what a digital signature is not," says Karen West of DST. "It's not a scanned autograph or a signature created with a stylus directly into a CAD file. A digital signature will be in the form of a 'certificate' that identifies the user and license status and is bound to a computer file with a password, smart card, or a thumbprint scanner."

A certificate is anticipated to cost no more than \$40 per year "and will pay for itself the first time it's used," according to Paxton. Already making headway in the legal community, digital signatures are starting to be used to buy corporations, seal contracts, and file court cases. Recently, President Clinton signed important legislation with a digital signature.

The move toward digital signatures is part of the Smart Permit's larger digital picture. Also being explored are systems that include Web-enabled tracking software, geographic information system (GIS) software for land-based data, and desktop tools that allow remote sites to reference drawings, redline information, and conference efficiently. In addition to trimming timelines, the new systems will reduce paper and unnecessary driving.

For more information contact: Joint Venture:Silicon Valley Network at <http://www.jointventure.org/initiatives/smartpermit/index.html>

NCARB's Latest Monograph Covers Earthquake Issues

NCARB's sixth monograph, *Seismic Mitigation*, illustrates what architects can do to reduce the effects of earthquakes, both in terms of injury to occupants and significant damage to buildings. Although informed design can be supported by current research, it is most convincingly influenced by observations of actual building performance in disastrous earthquakes. Therefore, to demonstrate concepts, two presentations are developed in tandem throughout the monograph that utilize actual events. The first is a basic primer on individual concerns that have the potential to modify the usual approach to design; that is, design done largely in the absence of informed concern for earthquakes. The second presentation consists of the examination (in the form of a running critique) of a set of buildings that represent a range of common design situations.

Topics covered in *Seismic Mitigation* include: "Earthquakes and Their Effects," "Seismic Vulnerability of Buildings and Sites," "Design for Better Seismic Response," "Improving on Existing Construction," "Mitigation of Seismic Forces," "Managing Design and Construction," and "Design Resources."

Author James Ambrose is a California architect and structural engineer who has authored, co-authored, contributed to, or edited more than 60 publications on architectural technology. During his 34-year teaching career, he has served on the faculties of architecture schools at the Universities of Illinois, Wisconsin, and Southern California.

Seismic Mitigation is a part of NCARB's Professional Development Program that began in 1993 to address the increasing need for continuing education and education verification. Other NCARB monograph titles include: *Subsurface Conditions*, *Indoor Environment*, *Fire Safety in Buildings*, *Energy Conscious Architecture*, and *Wind Forces*.

NCARB's monograph series allows architects to conveniently demonstrate ongoing learning in order to renew their professional registration.

The successful completion of the *Seismic Mitigation* quiz equals 10 contact hours

or 30 AIA Learning Units. The regular price for this monograph is \$95; NCARB Record Holders can purchase *Seismic Mitigation* for \$75. To order, or for more information about this title, or any other title in NCARB's Professional Development Program, contact David Brown at (202) 783-6500. Or visit NCARB's website at www.ncarb.org.

**Seismic Mitigation,
a national issue,
is especially important
in California.**

Tell Us What You Think

We're interested in hearing from you. In recent issues, we've covered several topics sure to raise thoughts and opinions from practicing architects. We'd like you to share those thoughts and opinions with us, and with your fellow architects and candidates for licensure. Feel free to address one or more of the subjects:

- What are your thoughts on the current direction of NCARB?
- Do you feel California should or should not adopt the NCARB model of IDP?
- Do you think mandatory continuing education (MCE) would benefit the profession and the public?
- Would you support a voluntary, structured continuing education program that would meet the MCE requirements in other states?
- Do you favor reciprocity with other countries?
- How would reciprocity with China affect your practice?
- How do you feel about the trend toward electronic permitting?
- Are there other subjects you would like to see us cover in this newsletter?

You can send your comments to:

**California Board of
Architectural Examiners**

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Enforcement Actions

The CBAE is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by the Board against its licensees and unlicensed persons who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board.

Administrative Actions

GORDON WAYNE CALHOON (Encino)

Effective July 24, 1999, Gordon Wayne Calhoon's architect license #C-11576 was revoked after the Board adopted a Stipulation in Settlement ordering revocation. An Accusation was filed against Mr. Calhoon for violations of Business and Professions Code sections 5583 (Fraud in the Practice of Architecture), 5584 (Negligence or Willful Misconduct) and 5586 (Public Agency; Disciplinary Action). Mr. Calhoon was hired as an architect and contractor to demolish and rebuild residences that were damaged by the 1994 Northridge earthquake. Board action was taken based on evidence that Mr. Calhoon falsely represented that, as an architect, he could act as a contractor. After getting the projects, Mr. Calhoon acted as a contractor (without being appropriately licensed) and failed to adequately supervise the construction, resulting in a material injury to both homeowners. He used an unlicensed contractor to supervise construction, and approved work which he knew did not comply with relevant building codes. The Contractors State License Board issued a citation to Mr. Calhoon based on evidence that he provided contracting services prior to being issued a license.

STEVEN A. ELMORE (Santa Cruz)

Effective July 24, 1999, Steven A. Elmore's architect license #C-10809 was revoked;

however, the revocation was stayed, his license was suspended for 90 days, and he was placed on probation for five years with specific terms and conditions, including reimbursing the Board \$4,272 for investigative costs. An Accusation was filed against Mr. Elmore for violations of Business and Professions Code section 5536 (Practice Without License or Holding Self Out as Architect). On December 31, 1991, Mr. Elmore's license expired and was not renewed until December 31, 1996. The action was taken based on evidence that in November 1993 and June 1994, he entered into contracts to perform architectural services. On March 29, 1995, Board staff informed him that his license had expired, and that he was prohibited by law from practicing and/or representing himself as an architect until he renewed his license. On April 5, 1995, he contacted the Board and indicated that he would promptly mail his renewal fee, but failed to do so. In November 1995, the Board received information that he signed an architectural contract to design a house.

WAYNE EUGENE PENNY, JR.

(San Juan Capistrano)

Effective July 29, 1999, Wayne Eugene Penny's architect license #C-10643 was revoked; however, the revocation was stayed, his license was suspended for 90 days, and he was placed on probation for five years with specific terms and conditions, including reimbursing the Board \$1,500 for investigative costs. An Accusation was filed against Mr. Penny for

violations of Business and Professions Code section 5584 (Negligence). Mr. Penny was hired to perform structural calculations for a residence. The action was taken based on evidence that he failed to design to existing criteria and within the standard of care which caused a potential safety hazard.

Citations

JAMES DAVIS MCCORD (Monterey)

The Board issued an administrative citation that included a \$500 civil penalty to James Davis McCord, architect license #C-8847, for a violation of Business and Professions Code section 5584 (Negligence). The action was taken based on evidence that Mr. McCord failed to define, validate, and document a project budget to repair settlement of existing footings and related problems for a private residence, and that he failed to advise the client that the budget was being exceeded.

DUDLEY FRANCIS WYNKOOP (Simi Valley)

The Board issued an administrative citation that included a \$1,500 civil penalty to Dudley Francis Wynkoop, an unlicensed individual, for violations of Business and Professions Code section 5536(a) (Practice Without a License or Holding Self Out as Architect) and section 5536.5 (State of Emergency; Practice Without License or Holding Self Out as Architect). The action was taken as a result of an investigation that revealed that Mr. Wynkoop offered to provide architectural design and construction supervision services for a theater and represented himself as an "Architect" on the agreement for services, represented himself as an "Architect" on letterhead and business cards, offered to provide architectural design services for a commercial building damaged by a natural disaster, and represented himself as an "Architect" on the agreement for services.

GARY DEAN ZIMMER (Thousand Oaks)

The Board issued an administrative citation that included a \$500 civil penalty to Gary Dean Zimmer, architect license #C-8519, for violation of Business and Professions Code section 5536.22 (Written Contract). The action was taken based on evidence that Mr. Zimmer commenced and completed work on a residence without having executed a written contract for professional services. Mr. Zimmer did not appeal the citation.



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New Rules of Professional Conduct Enacted

On July 2, 1999, two new rules of professional conduct were adopted under Title 16, California Code of Regulations (CCR) section 160 subsections (c)(4) and (e)(1). The two new rules relate to conflict of interest and copyright infringement. Specifically, the rules prohibit an architect from 1) engaging in a business or activity outside his or her capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject to the control, inspection, review, audit, or enforcement by the architect, and 2) being found by a court to have infringed upon the copyrighted works of other architects or design professionals. A violation of the new rules consti-

tutes a ground for disciplinary action.

The actual regulatory language for subsections (c)(4) and (e)(1) is provided below. For a complete copy of CCR section 160 see the Board's website at www.cbae.ca.gov or contact the Board at (916) 445-3394.

Title 16, California Code of Regulations Section 160—Rules of Professional Conduct

"A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(c) *Conflict of Interest:*

- (4) An architect shall not engage in a business or activity outside his or her capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the architect.

(e) *Copyright Infringement:*

- (1) An architect shall not have been found by a court to have infringed upon the copyrighted works of other architects or design professionals."

TO GET IN TOUCH WITH US

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